

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L STATE 155248

EXDIS

E.O. 11652: GDS

TAGS: PINS

SUBJECT: PATTERSON CASE

REF: (A) MEXICO 5937

(B) MEXICO 5874

(C) MEXICO 5938

1. DEPTOFFS HAVE SPOKEN ALMOST DAILY WITH PATTERSON FAMILY LAWYER (HOLMES) ABOUT CASE, INCLUDING PATTERSON SISTERS' REQUEST FOR URGENT INTERVIEW WITH SECRETARY ON EXTRADITION POSSIBILITIES. HOLMES REPORTED JULY 16 THAT HE HAD CONVINCED FAMILY THAT IT IS PREMATURE TO SEEK SUCH APPOINTMENT NOW SINCE HE APPRECIATES THAT USG AND SECRETARY ARE NOT CONFRONTED WITH EXTRADITION ISSUE. IF AND WHEN GOM REQUESTS EXTRADITION OF KEESEE, FAMILY MAY WISH TO RENEW REQUEST TO MAKE PERSONAL APPEAL TO SECRETARY IN SUPPORT THEREOF.

2. WITH RESPECT TO EMBASSY REQUEST FOR LEGAL GUIDANCE ON EXTRADITION QUESTION (REF C) LEGAL ADVISER'S OFFICE ADVISES THAT RELEVANT TREATY IS EXTRADITION TREATY OF FEBRUARY 22, 1899 WHICH ENTERED INTO FORCE ON APRIL 22, 1899 (T.S. 242 - CONFIDENTIAL

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9 BEVANS 900). OFFENSES WHICH ARE EXTRADITABLE UNDER THE

TREATY INCLUDE MURDER, KIDNAPPING, EXTORTION AND ATTEMPTING TO COMMIT ANY OF THESE CRIMES (ARTICLE II). DELIVERING UP A CITIZEN OF ONE OF THE CONTRACTING PARTIES FOR EXTRADITION IS DISCRETIONARY (ARTICLE IV). THE REQUESTED CONTRACTING PARTY MAY DEFER EXTRADITION UNTIL DISPOSITION OF ANY CHARGES PENDING AGAINST THE SUBJECT INDIVIDUAL IN ITS TERRITORY, INCLUDING PERIODS OF IMPRISONMENT (ARTICLE V). ARTICLE VIII SPECIFIES PROCEDURAL ASPECTS OF EXTRADITION PROCESS. THE SUPPLEMENTAL EXTRADITION CONVENTION OF AUGUST 16, 1939 WHICH ENTERED INTO FORCE ON APRIL 14, 1941, ADDED AS EXTRADITABLE OFFENSES PARTICIPATION IN ANY ARTICLE II CRIME AS AN ACCESSORY BEFORE OR AFTER THE FACT; SUCH PARTICIPATION WOULD BE PUNISHABLE BY THE LAWS OF BOTH CONTRACTING PARTIES.

3. SIX AMERICAN CITIZENS HAVE BEEN EXTRADITED TO MEXICO UNDER THE TREATY. (SEE WHITMAN DIGEST, VOLUME 6, PAGE 879 FOR ITEMIZATION OF FIVE CASES BETWEEN 1900 AND 1953.) MOST RECENT CASE WAS REYNALDO G. GARZA, CHARGED WITH MURDER AND ROBBERY, WHO WAS EXTRADITED ON MAY 26, 1970.

4. QUERY OF PARA 4C, REF C, HAS BEEN REFERRED TO DEPARTMENT OF JUSTICE FOR ITS CONSIDERATION. FURTHER ADVICE TO FOLLOW.

5. IT IS OF COURSE EXCLUSIVE RIGHT OF GOM TO REQUEST EXTRADITION OF KEESEE. WHILE WE MAY CONTINUE TO PROVIDE APPROPRIATE INFORMATION REGARDING PROGRESS OF KEESEE CASE IN US FEDERAL COURT, WE MUST EXERCISE GREAT CARE NOT TO PREJUDICE ANY RIGHTS OF KEESEE OR OTHERS WHO MIGHT BE INVOLVED. RESPONSE TO A GOM REQUEST FOR EXTRADITION WILL BE MADE ONLY AFTER THOROUGH REVIEW OF ALL FACTORS, INCLUDING STATUS OF ANY PENDING US PROSECUTION AND NATURE OF MEXICAN CHARGES AGAINST KEESEE.

6. DEPARTMENT IS ALSO MODIFYING TASK FORCE CONFIGURATION. OPERATIONS CENTER WILL CONTINUE CHANNEL TELEPHONE CALLS AND FAST MEDIA TO ARA/MEX AND/OR S/CCT. TASK FORCE FILES OF CASE WILL BE DEPOSITED IN ARA/MEX. S/CCT WILL CONTINUE SUPPORT ARA/MEX IN ALL APPROPRIATE ASPECTS OF CONFIDENTIAL

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CASE. KISSINGER

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Message Attributes

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